

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS - WESTERN DIVISION

Civil Action No: 3:17cv30031

JANETTE HERNANDEZ PAGAN, PPA

F.H., a minor,

Plaintiff

v.

CITY OF HOLYOKE, A MUNICIPAL CORPORATION,

Officer THOMAS J. LEAHY, Officer JAMES DUNN,

Officer JABET LOPEZ,

Defendants

AFFIDAVIT OF MANUEL REYES

I, Manuel Reyes, do hereby depose and say:

1. I am employed as a police officer with the rank of Lieutenant for the Holyoke Police Department.
2. I have been employed as a member of the Holyoke Police Department since June 1999
3. Since November 2014 I have been responsible for Professional Standards Division of the Holyoke Police Department.

4. As the officer in charge of Professional, I am responsible, as the Chief's designee, to oversee the department's policies regarding citizen's complaints against officers, investigate serious complaints of police misconduct, and report my findings of police misconduct to the Chief of Police.
5. I am also responsible for the compilation and review of Use of Force Reports.
6. As of February 8, 2014, the Holyoke Police Department had promulgated Standard Operating Procedures (SOP) as guidelines regarding:
 - a. the authorized use of deadly and less lethal force,
 - b. baton usage,
 - c. use of force documentation and reporting requirements in accordance with M.G.L. Ch. 276, sec. 33.
 - d. Injury to prisoners including the evaluation and need for medical care, documentation of injuries, photographing of injuries. (*Holyoke Police Department Standard Operating Procedures 2012 Use of Force Policy 8.2.0 and 8.2.1*)
7. Attached to this Affidavit is a true and accurate copy of the Holyoke Police Department's SOP guidelines in effect February 8, 2014.
8. Officers Leahy, Dunn and Lopez drafted and submitted detailed narrative and supplemental narrative reports of the incident. Officer Lopez drafted and submitted a Use of Force Report. (Lopez Use of Force Report Arrest # 14-344) (Lopez Supplemental Narrative Report Ref-14-344-AR) (Leahy Narrative Report Ref-14-344-AR) (Dunn Supplemental Narrative Report Ref-14-344-AR)

9. Holyoke Police Department documented FTH's injuries in the booking photographs.
(HPH booking photos)
10. Use of Force Reports along with arrest reports for this incident 14-344-AR were sent to HPD Internal Affairs Department where they are tracked and subject to review.
11. A few days after the incident of February 8, 2014, I met with a woman and man who identified themselves as the parents of FTH at the Holyoke Police Department. We met for approximately 40 minutes.
12. They complained verbally to me and suggested that they were not happy with the force that was used on FTH the night of February 8, 2014.
13. I had reviewed the reports and explained to them that the situation, with a shooter being present, was dangerous and disagreed with them that the force used by the officers upon FTH was excessive.
14. I explained to them the Holyoke Police Department's procedure regarding citizen's complaints. First, we listen and verbally try to address and satisfy the concerns of the citizen. Most complaints are resolved at this point. If the person remains unhappy, we give them a complaint form and ask them to submit the complaint in writing. Supervisory officers, the Commanding Officer or Lieutenant, review the written complaints and depending on the nature and severity of the behavior complained of, action is taken. For example, if the complaint involves allegations of courtesy, we speak with the officer and if necessary, follow up with the complainant. As to more serious complaints, such as allegations of excessive force, the supervisory officers will review the complaint and bring it to the attention of the Captain. Then the Captain will determine, depending upon the seriousness of the complaint and his/her investigation that may include speaking with

officers involved and reviewing reports, whether the complaint should be referred to the Chief of Police who determines if a full Internal investigation by the Professional Standards Division is warranted. Finally, the results of that investigation are brought to the Chief of Police to determine the appropriate next step.

15. In this case, after listening to FTH's parents, and explaining what had happened that night, they appeared satisfied with what I had said and left without submitting the HPD complaint form even after I reiterated that if they weren't happy they were welcome to file a formal complaint.

Signed under the pains and penalties of perjury this 27th day of June, 2018 as true and accurate.



Manuel T Reyes



Date